IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2444 of 1998
with
CIVIL APPLICATION No 14405 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

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DARSHITA VYAS

Versus

MEDICAL COUNCIL OF INDIA

Appearance:

1. Special Civil Application No. 2444 of 1998
MR SHIRISH JOSHI for Petitioner No. 1
MR NV ANJARIA for Respondent No. 1
RULE SERVED BY DS for Respondent No. 1
NOTICE SERVED BY DS for Respondent No. 2
Mr. Manish K.Dagli,AGP for Respondent No. 3

2. Civil Application No. 14405 of 1999
MR SHIRISH JOSHI for Petitioner No. 1
MR NV ANJARIA for Respondent No. 1

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 19/08/2002

ORAL JUDGEMENT

1. By filing this petition, it is prayed by the petitioner that the respondent-Medical Council of India be directed to cancel the orders/letters at Annexures "G" and "I"to the petition and also to extend the period of certificate at Annexure "C" for an appropriate period. It is also prayed that by an interim order, the petitioner be allowed to continue her internship.

2. Both the learned Advocates have pointed out that the issue in question has by now been concluded by the Supreme Court in the case of MEDICAL COUNCIL OF INDIA VS. INDIAN DOCTORS FROM RUSSIA WELFARE ASSOCIATION AND ORS., JT 2002(2) SC 589. By the said decision similar type of matters were disposed of by the Supreme Court and the Supreme Court has observed as under in paragraph 8 thereof:

" The orders of the High Courts shall stand displaced by this order and these appeals shall stand disposed of accordingly. Any proceeding pending in any High Court relating to these matters shall stand withdrawn to this Court and disposed of in the same terms as aforesaid".

3. Under the circumstances, in view of the decision of the Supreme Court in Medical Council of India (Supra), dealing with an identical issue, nothing further is required to be done in this petition. This petition is accordingly disposed of in terms of the decision of the Supreme Court and the direction given by the Supreme Court in the aforesaid decision will apply to the present petitioner also, and the Medical Council of India also will decide the question of the petitioner on the lines of the Supreme Court decision. The petition is accordingly disposed of. Rule is discharged. Interim relief is vacated. No costs.

There shall be no orders on Civil Application no.14406/1999.

(P.B. Majmudar, J.)

stanley-pbm.